IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 30195 of 2006(T)

PETITIONER:

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1. VINOD KUMAR.K.V., PC K 6314,
   ARMED RESERVE CAMP, KOTTAYAM.

2. MANOJ.C., PC 6371,
   ARMED RESERVE CAMP, KOTTAYAM.

3. S.RAJMOHANAN, PC K 6307,
   ARMED RESERVE CAMP, KOTTAYAM.

4. JOSEPH VARGHESE.C., PC K 6292,
   ARMED RESERVE CAMP, KOTTAYAM.

5. SURESH.P.T., PC K 6393,
   ARMED RESERVE CAMP, KOTTAYAM.

6. GEORGE K.JOHN, PC K 6328,
   ARMED RESERVE CAMP, KOTTAYAM.

7. MANOJ.P.P., PC K 6358,
   ARMED RESERVE CAMP, KOTTAYAM.

8. SREENIVASAN.V.T., PC K 6097,
   ARMED RESERVE CAMP, KOTTAYAM.

9. SHAJI.N.T., PC K 6295,
   ARMED RESERVE CAMP, KOTTAYAM.

10. VARGHESE.P.P., PC K 6384,
    ARMED RESERVE CAMP, KOTTAYAM.

11. ALEX JOSEPH, PC K 6317,
    ARMED RESERVE CAMP, KOTTAYAM.

12. PONNAPPAN.P.K., PC K 6361,
    ARMED RESERVE CAMP, KOTTAYAM.

13. K.K.ANIL KUMAR, PC K 6111,
ARMED RESERVE CAMP, KOTTAYAM.

14. ANIL KUMAR.V.G., PC K 6298,
ARMED RESERVE CAMP, KOTTAYAM.

15. GOPAKUMAR.N., PC K 6293,
ARMED RESERVE CAMP, KOTTAYAM.

16. MANOJKUMAR.K, PC K 6313,
ARMED RESERVE CAMP, KOTTAYAM.

17. VISWANATHAN.D., PC K 6296,
ARMED RESERVE CAMP, KOTTAYAM.

18. MANOJKUMAR.C.B., PC K 6311,
ARMED RESERVE CAMP, KOTTAYAM.

19. MANOJKUMAR.C.S., PC K 6355,
ARMED RESERVE CAMP, KOTTAYAM.

20. CHACKO.P.K., PC K 6416,
ARMED RESERVE CAMP, KOTTAYAM.

21. BIJU.K.G., PC K 6288,
ARMED RESERVE CAMP, KOTTAYAM.

22. V.SURESHKUMAR, PC K 6079,
ARMED RESERVE CAMP, KOTTAYAM.

23. JAYAMON MATHEW, PC K 6319,
ARMED RESERVE CAMP, KOTTAYAM.

24. SUBASH.K.K., PC K 6230,
ARMED RESERVE CAMP, KOTTAYAM.

25. KURIAKOSE.E.J., PC K 6419,
ARMED RESERVE CAMP, KOTTAYAM.

26. DHARMAPALAN.P.K., PC K 6383,
ARMED RESERVE CAMP, KOTTAYAM.

27. SRINIVAS.C.C., PC K 6347,
ARMED RESERVE CAMP, KOTTAYAM.

28. REJIMON.T.D., PC K 6299,
ARMED RESERVE CAMP, KOTTAYAM.

29. JOHNSON.V.G., PC K 6389,
ARMED RESERVE CAMP, KOTTAYAM.

30. SIJULAL.T.C., PC K 6303,
ARMED RESERVE CAMP, KOTTAYAM.

31. SIBU.M.S., PC K 6381,
ARMED RESERVE CAMP, KOTTAYAM.

32. GOPAKUMAR.K.S., PC K 6287,
ARMED RESERVE CAMP, KOTTAYAM.

33. ASHOKAN.G., PC K 6297,
ARMED RESERVE CAMP, KOTTAYAM.

34. SAJI.M.P., PC K 6286,
ARMED RESERVE CAMP, KOTTAYAM.

35. VIJAYAKUMAR.N.K., PC K 6342,
ARMED RESERVE CAMP, KOTTAYAM.

36. MANOJ KUMAR.D., PC K 6348,
ARMED RESERVE CAMP, KOTTAYAM.

37. RAJEEV.P.K., PC K 6309,
ARMED RESERVE CAMP, KOTTAYAM.

38. BIJUMON.K.M., PC K 6352,
ARMED RESERVE CAMP, KOTTAYAM.

39. SURESH.M.N., PC K 6318,
ARMED RESERVE CAMP, KOTTAYAM.

40. SEBASTIAN THOMAS. PC K 6394,
ARMED RESERVE CAMP, KOTTAYAM.

41. MANOJ.K., PC K 6351,
ARMED RESERVE CAMP, KOTTAYAM.

42. RAJAGOPAL, PC K 6320,
ARMED RESERVE CAMP, KOTTAYAM.

43. T.V.ANIL KUMAR, PC K 6289,
ARMED RESERVE CAMP, KOTTAYAM.

44. JOSEPH ANTONY, PC K 6349,
ARMED RESERVE CAMP, KOTTAYAM.

45. PRABHASH.K.T., PC K 6310,
ARMED RESERVE CAMP, KOTTAYAM.

46. MAMACHAN.K.K., PC K 6353,
ARMED RESERVE CAMP, KOTTAYAM.

47. DEVASIA.K.O., PC K 6426,
ARMED RESERVE CAMP, KOTTAYAM.

48. SANTHOSHKUMAR.D., PC K 6315,
ARMED RESERVE CAMP, KOTTAYAM.

49. BIJU JOSEPH, PC K 6423,
ARMED RESERVE CAMP, KOTTAYAM.

50. HARILAL.A.B., PC K 6379,
ARMED RESERVE CAMP, KOTTAYAM.

51. SHAJI.M.R., PC K 6373,
ARMED RESERVE CAMP, KOTTAYAM.

52. JOMON M.THOMAS, PC K 6326,
ARMED RESERVE CAMP, KOTTAYAM.

53. SABU.T.C., PC K 6337,
ARMED RESERVE CAMP, KOTTAYAM.

54. SAJI.K.KURIAKOSE, PC K 6339,
ARMED RESERVE CAMP, KOTTAYAM.

55. BABU.P.S., PC K 6432,
ARMED RESERVE CAMP, KOTTAYAM.

56. JAMES.M.S., PC K 6382,
ARMED RESERVE CAMP, KOTTAYAM.

57. ANILKUMAR.P.D., PC K 6078,
ARMED RESERVE CAMP, KOTTAYAM.

58. SURESHKUMAR.R., PC K 6290,
ARMED RESERVE CAMP, KOTTAYAM.

59. BIJUMON.R., PC K 6407,
ARMED RESERVE CAMP, KOTTAYAM.

60. SHAJI.K.C., PC K 6323,
ARMED RESERVE CAMP, KOTTAYAM.

61. DEVIMON JOSEPH, PC K 6360,
ARMED RESERVE CAMP, KOTTAYAM.

62. DOMINIC DANIAL, PC K 6308,
ARMED RESERVE CAMP, KOTTAYAM.

63. SAID MUHAMMED, PC K 6410,
ARMED RESERVE CAMP, KOTTAYAM.

64. S.MOHANAN, PC K 6392,
ARMED RESERVE CAMP, KOTTAYAM.

65. BRAHMADAS.P.M., PC K 6344,
ARMED RESERVE CAMP, KOTTAYAM.

66. ANILKUMAR.P.R., PC K 6340,
ARMED RESERVE CAMP, KOTTAYAM.

67. JAMESKUTTY THOMAS,
PC K 6231, ARMED RESERVE CAMP,
KOTTAYAM.

68. HARIDAS.K.R., PC K 6428,
ARMED RESERVE CAMP, KOTTAYAM.

69. ALBY.P.M., PC K 6335,
ARMED RESERVE CAMP, KOTTAYAM.

70. REJIMON.K.K., PC K 6354,
ARMED RESERVE CAMP, KOTTAYAM.

71. BIJU ABRAHAM, PC K 6343,
ARMED RESERVE CAMP, KOTTAYAM.

72. JACOB KOSHY, PC K 6375,
ARMED RESERVE CAMP, KOTTAYAM.

73. EJISON.P.JOSEPH, PC K 6412,
ARMED RESERVE CAMP, KOTTAYAM.

74. BIJUMON VARGHESE, PC K 6424,
ARMED RESERVE CAMP, KOTTAYAM.

75. TOM JOSE MATHEW, PC K 6023,
ARMED RESERVE CAMP, KOTTAYAM.

76. VINODKUMAR.P.V., PC K 6421,
ARMED RESERVE CAMP, KOTTAYAM.

77. BABU.C.S., PC K 6430,
ARMED RESERVE CAMP, KOTTAYAM.

78. BABY.K.V., PC K 6302,
ARMED RESERVE CAMP, KOTTAYAM.

79. NAZAK.P.J., PC K 6324,
ARMED RESERVE CAMP, KOTTAYAM.

80. GOPAKUMAR, PC K 6357,
ARMED RESERVE CAMP, KOTTAYAM.

81. PHILIPKUTTY, PC K 6417,
ARMED RESERVE CAMP, KOTTAYAM.

82. SURESH.G., PC K 6378,
ARMED RESERVE CAMP, KOTTAYAM.

83. SABU MADHEVOR, PC K 6322,
ARMED RESERVE CAMP, KOTTAYAM.

84. ASOK KUMAR.P.K., PC K 6208,
ARMED RESERVE CAMP, KOTTAYAM.

85. THOMAS K.J., PC K 6390,
ARMED RESERVE CAMP, KOTTAYAM.

86. PRASAD.K.K., PC K 6376,
ARMED RESERVE CAMP, KOTTAYAM.

87. SAJIKUMAR.I, PC K 6345,
ARMED RESERVE CAMP, KOTTAYAM.

88. SHIBU.K.K., PC K 6316,
ARMED RESERVE CAMP, KOTTAYAM.

89. SUNIL KUMAR.P.G., PC K 6359,
ARMED RESERVE CAMP, KOTTAYAM.

90. PRASAD KUMAR.M.P., PC K 6334,
ARMED RESERVE CAMP, KOTTAYAM.

91. INDU.U.B., PC K 6433,
ARMED RESERVE CAMP, KOTTAYAM.

92. SURESH.A.K., PC K 6437,
ARMED RESERVE CAMP, KOTTAYAM.

93. AJITHKUMAR.M., PC K 6377,
ARMED RESERVE CAMP, KOTTAYAM.

94. MANOHARAN.N., PC K 6301,
ARMED RESERVE CAMP, KOTTAYAM.

95. RAVIKUMAR.M.R., PC K 6312,
ARMED RESERVE CAMP, KOTTAYAM.

96. BIJUMON.K.G., PC K 6404,
ARMED RESERVE CAMP, KOTTAYAM.

97. ANISHKUMAR.K., PC K 6438,
ARMED RESERVE CAMP, KOTTAYAM.

98. JAYAKUMAR.C.N., PC K 6395,
ARMED RESERVE CAMP, KOTTAYAM.

99. SAIMON.P.P., PC K 6391,
ARMED RESERVE CAMP, KOTTAYAM.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR

RESPONDENTS:
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1. THE SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

3. THE SUPERINTENDENT OF POLICE,
DISTRICT POLICE OFFICE, KOTTAYAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 30195 of 2006

Dated this the 27th day of November, 2006

JUDGMENT

1. The petitioners, 99 in number, are Police Constables in the Armed Reserve Camp, Kottayam.

2. Respondent No.3 has passed Ext.P6 proceedings dated 10.10.2006 cancelling the pre-revised scale of pay sanctioned to the petitioners and some others on the ground that on a subsequent consideration of the matter, the benefits earlier granted were found to be not in accordance with law. The petitioners are shown under the head "8 years higher grade in the pre-revised scale of Rs.4000-6090." They are serial numbers 171 to 284 in Ext.P6.

3. Various contentions have been urged by the petitioners to sustain the higher grade already sanctioned to them and to show that the cancellation of the benefit as per Ext.P6 is illegal. One of the contentions urged by the petitioners is that Ext.P6 which visits the petitioners with adverse civil consequences has been passed without notice to them, and therefore, there is gross violation of the principles of natural justice.

4. Learned Government Pleader, as directed by this Court has ascertained the factual position from the third respondent as to

whether the petitioners were afforded an opportunity of being heard before taking away the benefit of higher grade granted to them. It is submitted that Ext.P6 was passed after perusing the records but without issuing notice to the petitioners.

5. In this view of the matter, I am satisfied that Ext.P6 is liable to be set aside for violation of the principles of natural justice. I do so. Hence, Ext.P6 order, as far as the petitioners are concerned, shall stand set aside. The third respondent will be free to issue notice to the petitioners calling upon them to show cause why the decision to grant the benefit of higher grade granted in the pre-revised scale shall not be recalled and fresh orders passed. The petitioners will be free to submit their explanation to the show cause notice. Fresh orders shall be passed only after considering the objections of the petitioners and by a speaking order adverting to those contentions. Since Ext.P6 has been set aside, recovery from the emoluments of the petitioners will not take effect unless fresh orders are passed.

The writ Petition is allowed as above.

K.K.DENESAN, JUDGE

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